

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO

In re:

ROMAN CATHOLIC CHURCH OF THE  
ARCHDIOCESE OF SANTA FE,

No. 18-13027 t11

Debtor.

ROMAN CATHOLIC CHURCH OF THE  
ARCHDIOCESE OF SANTA FE,

Plaintiff,

v.

Adv. No. 20-1026 t

UNITED STATES OF AMERICA  
SMALL BUSINESS ADMINISTRATION,

Defendant.

**FINAL JUDGMENT**

For the reasons set forth in the opinion entered herewith, it is hereby ORDERED,  
ADJUDGED AND DECREED:

1. Pursuant to 5 U.S.C. § 706(2)(A), the Court holds unlawful Defendant's exclusion of Plaintiff from eligibility to participate in the Paycheck Protection Program (the "PPP"), enacted as part of the Coronavirus Aid, Relief, and Economic Security Act, H.R. 748, P.L. 115-136 in that the exclusion is arbitrary and capricious.

2. Pursuant to 5 U.S.C. § 706(2)(C), the Court holds unlawful Defendant's exclusion of Plaintiff from eligibility to participate in the PPP in that the exclusion is in excess of Defendant's statutory jurisdiction, authority, or limitations or short of statutory right.

3. The Court declares that Defendant's attempt to exclude Plaintiff from the PPP solely on the ground that Plaintiff is a chapter 11 debtor-in-possession violates 11 U.S.C. § 525(a).

4. Pursuant to 5 U.S.C. § 706(1), the Court hereby compels Defendant to act on Plaintiff's PPP loan application forthwith without regard to Plaintiff's status as a chapter 11 debtor in possession.

5. If Defendant's actions, whether taken heretofore or in the future, are the proximate cause of Plaintiff losing its requested \$900,000 in PPP funds, Plaintiff may file an adversary proceeding against Defendant for compensatory and, if appropriate, punitive damages.

A handwritten signature in black ink, appearing to read "David T. Thuma", written over a horizontal line.

Hon. David T. Thuma  
United States Bankruptcy Judge

Entered: May 1, 2020  
Copies to: counsel of record